IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8299 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

DEVJIBHAI P MAKWANA - Petitioner(s)
Versus
ADMINISTRATIVE OFFICER & 2 - Respondent(s)

==========

Appearance :
NOTICE SERVED for Petitioner(s) : 1,
MR PRASHANT G DESAI for Respondent(s) : 1 - 2.
MR SH SANJANWALA for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 16/02/2006

ORAL JUDGMENT

1. The petitioner has filed the present petition

under Article 226 of the Constitution of India praying for the direction to the respondent no.1 to take appropriate steps against the respondent no.3 viz. Naginbhai Narsibhai Lad, Office Superintendent, Nagar Pradhmik Shikshan Samiti, Gopipura, Surat and to suspend him under the Rules as he has been subjected to chargesheet in a criminal case. The petitioner has further prayed for the direction to the respondent no.1 to produce the file of the departmental enquiry held against the respondent no.3 in which he has been exonerated and thereafter to pass necessary orders.

2. The petition was admitted and rule was issued on 11.12.1990. The learned advocate who had filed the petition on behalf of the petitioner, later on has been elevated to the bench of this Court. Fresh notice was issued on the petitioner, however, neither any appearance is filed on behalf of the petitioner nor any arrangement has been made by the petitioner.

3. The Court is of the view that petitioner is not

interested in prosecuting the matter.

4. Even otherwise Mr.Desai, learned advocate for the respondent has submitted that the respondent no.3 has already retired from service and hence, there is no question of initiation of inquiry against the respondent no.3.

5. Be that as it may, the relief prayed for in this petition can not be granted, that too when 15 years have passed. The petition is dismissed. Rule is discharged without any order as to costs.

(K.A.PUJ, J.)

amit